

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Amy Jo Koopman,

No. 21-cv-1852 (PJS-ECW)

Plaintiff,

v.

The City of Robbinsdale; Christine Allen,
individually and in her official capacity;
Joshua Heasley, *individually and in his*
official capacity; and Nichole Saba,
individually and in her official capacity,

**MEMORANDUM
IN SUPPORT OF MOTION TO
AMEND SCHEDULING ORDER**

Defendants.

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rule 16.3, Plaintiff Amy Koopman (“Plaintiff”) respectfully asks this Court to amend the Pretrial Scheduling Order (Doc. No. 9) to extend the deadline for “all motions that seek to amend the pleadings or to add parties”—including “[a]ll motions that seek to amend the pleadings to include punitive damages, if applicable”—by one month. Pretrial Scheduling Order (Doc. No. 9) at 5. Specifically, Plaintiff proposes that the Court change the pleading-amendment deadline from April 18, 2022 to May 20, 2022. Defendants The City of Robbinsdale, Christine Allen, Joshua Heasley, and Nichole Saba (“Defendants”) do not oppose this motion.

Under Federal Rule of Civil Procedure 16(b)(4), scheduling orders may be modified “only for good cause and with the judge’s consent.” *See also* Local Rule

16.3(b)(1) (“A party that moves to modify a scheduling order must . . . establish good cause for the proposed modification.”). Good cause exists in this case. This is the first time that any of the parties have sought to modify the Pretrial Scheduling Order. *See* Declaration of Virginia McCalmont (“McCalmont Decl.”) ¶ 3. Since the scheduling order was entered the parties have been diligently engaged in discovery efforts, including exchanging and responding to interrogatories, requests for production of documents, and requests for admission. *Id.* ¶¶ 4-5. Although the parties have been diligently pursuing discovery, limitations on witness and counsel availability have precluded the parties from taking depositions. *See id.* ¶ 6. Numerous depositions have now been scheduled and will occur over the course of the next three weeks, including the depositions of all three individually-named Defendants (April 18-20); another police officer witness (April 25); the City of Robbinsdale (May 5); and Plaintiff (May 10). *See id.* ¶ 7. These depositions are necessary for the Parties to assess whether pleading amendments are appropriate. *See id.* ¶ 8.

More to the point, because the parties have been pursuing discovery diligently, but will nonetheless be unable to complete necessary discovery before the pleading-amendment deadline, good cause exists for a limited extension of this deadline. *See Sherman v. Winco Fireworks, Inc.*, 532 F.3d 709, 716 (8th Cir. 2008) (“The primary measure of good cause is the movant’s diligence in attempting to meet the order’s requirements.” (quotation marks omitted)).

Plaintiff does not anticipate that changing the pleading-amendment deadline will require the adjustment of any other deadlines in the Pretrial Scheduling Order. *See* Local Rule 16.3(b)(2) (“A party that moves to modify a scheduling order must . . . explain the proposed modification’s effect on any deadlines.”). In particular, Plaintiff does not seek to extend the fact-discovery deadline, which is currently set for May 31, 2022. *See* Pretrial Scheduling Order (Doc. No. 9) at 3.

Plaintiff therefore respectfully requests that the Court modify the Pretrial Scheduling Order to set May 20, 2022 as the deadline for motions that seek to amend the pleadings or to add parties.

Dated: April 15, 2022.

s/ Virginia R. McCalmont

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